UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, Plaintiff	:
v.	:CIVIL ACTION NO. 4:10-cv-02741
$47,955.00 IN U.S. CURRENCY Defendant in rem	:

CLAIMANTS' ANSWER TO PLAINTIFF'S COMPLAINT

Claimants, Mr. Bhupinder Singh Gujral, Mrs. Tejinder Gujral, Mr. Gaganjeet Singh Gujral, Ms. Simran Gujral, Mr. Gagandeep Singh Gambhir and Ms. Paranita Gujral, through Counsel, hereby answer Plaintiff's complaint filed herein, as follows:

1. Claimants admit that the United States seeks to acquire property by forfeiture pursuant to 31 U.S. Sect. 5317(c)(2).
2. Claimants admit that the Defendant *in rem* is about $47,955.00 in currency that was seized from Claimant Paranita Gujral on June 25, 2010 at the George Bush Intercontinental Airport in Houston, Texas.
3. Claimants admit that this Court has jurisdiction over this forfeiture action under 28 U.S.C. Sect. 1355.
4. Claimants admit that venue is proper.
5. Claimants deny that Defendant *in rem* is subject to forfeiture pursuant to 31 U.S.C. 5317(c)(2) because Claimant Paranita Gujral did not know that she had a legal duty to file a report of the amount of currency she transported. *See* United States v. Berisha, 925 F.2d 791, 795 (5th Cir.1991)(To establish guilt

under 31 U.S.C. Sect. 5316(a), "the government must show that the defendant had actual knowledge of the currency reporting requirement and voluntarily and intentionally violated that known legal duty.")

6. Claimants admit the facts as set out in Paragraph 6 of the complaint.

7. Claimants admit the facts as set out in Paragraph 7 of the complaint, except that Claimants deny that Claimant Paranita Gujral "decided to declare only $21,000." Claimant Paranita Gujral was not aware that traveler's checks are considered to be "currency" under U.S. law. She therefore declared only the cash she was carrying and did not include the amount of traveler's checks that she was carrying in her declaration.

8. Claimants deny that this Court should order an arrest warrant and summons, judgment of forfeiture, costs and relief to Plaintiff where Claimant Paranita Gujral did not know that she had a legal duty to file a report of the amount of currency she transported and where Plaintiff's forfeiture of Defendant *in rem* would violate the Excessive Fines Clause of the U.S. Constitution. *See* United States v. Bakajian, 524 U.S. 321, 334 (1998).

WHEREFORE, Claimants pray as follows:

1. That Plaintiff take nothing by reason of its complaint, that judgment be rendered in favor of Claimants;
2. That Claimants be awarded their costs of suit incurred in defense of this action; and
3. For such other relief as the Court deems proper.

Respectfully submitted,

__/S/_______________

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CERTIFICATE OF SERVICE

I, George R. Willy, Esq, hereby certify that on October 6, 2010, I served a true and correct copy of this answer via first class mail to Albert Ratliff, Assistant United States Attorney, P.O. Box 61129, Houston, TX 77208.

October 6, 2010

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George R. Willy, Esq.